



Reprinted
February 28, 2001

HOUSE BILL No. 1201

DIGEST OF HB 1201 (Updated February 27, 2001 10:35 AM - DI 96)

Citations Affected: IC 22-9.

Synopsis: Drug testing in the workplace. Prohibits a covered entity from using drug testing results to refuse to hire a job applicant or to take employee disciplinary action, if the only drugs detected are drugs taken under the supervision of, and in the manner prescribed by, a licensed health care professional, unless the drugs detected preclude the job applicant or employee from performing the job. Provides that the job applicant or employee will provide, upon request, proof that the drugs detected were taken under the supervision of and in the manner prescribed by a licensed health care professional.

Effective: July 1, 2001.

Young D, Liggett

January 9, 2001, read first time and referred to Committee on Labor and Employment.
February 20, 2001, amended, reported — Do Pass.
February 27, 2001, read second time, amended, ordered engrossed.

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HB 1201—LS 6833/DI 102+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1201

A BILL FOR AN ACT to amend the Indiana Code concerning labor.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-9-5-24.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2001]: **Sec. 24.5. (a) A covered entity may not use the results of**
- 4 **drug testing to refuse to hire a job applicant or to discipline or**
- 5 **terminate an employee if the only drugs detected by the drug**
- 6 **testing are drugs taken by the applicant or employee under the**
- 7 **supervision of and in the manner prescribed by a licensed health**
- 8 **care professional, unless the drugs preclude the job applicant or**
- 9 **employee from performing the job.**
- 10 **(b) This section does not encourage, prohibit, or authorize the**
- 11 **testing of job applicants or employees for the illegal use of drugs.**
- 12 **(c) The job applicant or employee must provide, upon request,**
- 13 **proof that the drugs detected were taken under the supervision of**
- 14 **and in the manner prescribed by a licensed health care**
- 15 **professional.**

HB 1201—LS 6833/DI 102+



COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "A covered entity" and insert "**An employer**".

Page 1, line 4, after "testing" insert "**solely**".

Page 1, line 6, delete ":".

Page 1, line 7, delete "(1)".

Page 1, line 7, after "supervision" insert "**and in the manner prescribed by**".

Page 1, run in lines 6 through 7.

Page 1, line 8, delete "of".

Page 1, line 8, delete "professional; or" and insert "**professional**".

Page 1, delete lines 9 through 10.

Page 1, after line 12, begin a new paragraph and insert:

"(c) The burden of proof that the drugs detected were taken under the supervision of and in the manner prescribed by a licensed health care professional is upon the job applicant or employee."

and when so amended that said bill do pass.

(Reference is to HB 1201 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1201 be amended to read as follows:

Page 1, line 3, delete "An employer" and insert "**A covered entity**".

Page 1, line 4, delete "solely".

Page 1, line 7, after "supervision" insert "**of**".

Page 1, line 8, delete "professional." and insert "**professional, unless the drugs preclude the job applicant or employee from performing the job.**".

Page 1, line 11, delete "burden of" and insert "**job applicant or employee must provide, upon request,**".

Page 1, line 13, delete "professional is upon the job applicant or" and insert "**professional.**".

Page 1, delete line 14.

(Reference is to HB 1201 as printed February 21, 2001.)

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